

AFFIDAVIT

I, Jeffery A. Kirschweng, having been duly sworn, state the following:

INTRODUCTION

1. I am a Special Agent of the Drug Enforcement Administration (DEA), assigned to the Detroit Field Division, Columbus District Office (CDO). As such, I am an “investigative or law enforcement officer” of the United States within the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Title 18, United States Code, Section 2516(1).
2. I am a "federal law enforcement officer" within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(c), that is, a government agent engaged in enforcing the criminal laws and duly authorized by the Attorney General to request a seizure warrant.
3. I have been a Special Agent for the DEA since September 2021. I am currently assigned to the DEA Enforcement Group 2 in Columbus, Ohio investigating any and all criminal activity of individuals who have participated in drug distribution networks in violation of Title 21 of the United States Code. I have received several hundred hours of training into, and including smuggling, packaging, concealment techniques, common drug language, conspiracy techniques, including the use of cellular and digital communications devices, common weights and measurements, and drug identification. During the course of my law enforcement career, I participated in several investigations involving narcotics trafficking. I received specialized training in narcotics trafficking and money laundering from the DEA and I have been personally involved in investigations concerning the possession, manufacture, transportation, distribution, and importation of controlled substances, as well as methods used to finance drug transactions. I have experience in debriefing defendants, participating witnesses, cooperating individuals, and other persons who have personal knowledge and experience regarding the amassing, conversion, transportation, distribution, and concealment of records and proceeds of trafficking in controlled substances. As a Special Agent, I have also participated in the execution of numerous search warrants at the residences and businesses of narcotics traffickers, safe houses, and supply houses. I have also participated in numerous arrests for drug-related offenses and investigations targeting individuals and organizations trafficking in heroin, fentanyl, cocaine, cocaine base (“crack”), marijuana, methamphetamine, and other controlled substances, as defined in Title 21, United States Code, Section 801.

PURPOSE OF AFFIDAVIT

This affidavit is made in support of an application for a federal arrest warrant and criminal complaint against Oscar Manuel GARCIA- SOBERANES (herein after referred to as GARCIA-SOBERANES) for possession with the intent to distribute over 5 kilograms or more of cocaine, a schedule II controlled substance, in violation of Title 21, U.S.C. § 841 (a)(1) (A)(ii)(II), and for possession with the intent to distribute 400 grams or more of fentanyl, a schedule II controlled substance, in violation of Title 21, U.S.C. § 841 (a)(1)(A)(i). In addition, GARCIA knowingly and intentionally possessed with intent to distribute. My knowledge of this investigation is based upon my own personal observations, as well as the observation and investigation conducted by other law enforcement officers knowledgeable of the facts and circumstances involved in the subject investigation. I have not included in this Affidavit all the facts known to me, but only that information sufficient to establish probable cause to believe that Oscar Manuel GARCIA-SOBERANES committed violations of Title 21, U.S.C. § 841 (a)(1)(A)(ii)(II), Title 21, U.S.C. § 841 (a)(1)(A)(i), and GARCIA committed a violation of Title 21, U.S.C. § 841 (a)(1).

SUMMARY OF PROBABLE CAUSE

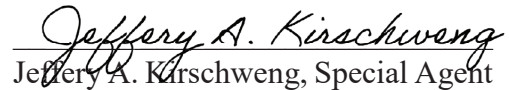
1. On September 14, 2022, at approximately 10:19 a.m., Ohio State Patrol Officer (OSP) Sergeant (SGT) Breck Williamson conducted a traffic stop on a 2014 red Chevrolet Silverado, bearing California license plate 89703Y2, for speeding and following too closely to another motor vehicle. Upon making the approach to the vehicle, Sergeant Williamson identified the driver as Oscar Manuel GARCIA- SOBERANES. It should be noted, GARCIA-SOBERANES was the sole occupant of the vehicle. The vehicle was registered to Ernesto Nunes, at a registered address of 7432 Hillview St, Highland, California.
2. Upon initial approach to the vehicle OSP SGT Williamson detected a strong odor of marijuana emanating from the vehicle. SGT Williamson also identified what appeared to be marijuana debris on the middle console and within the cup holders of the pick-up truck. GARCIA stated that the vehicle belonged to his cousin and he was traveling to Youngstown, Ohio from Los Angeles, California. According to SGT Williamson, the statement from GARCIA-SOBERANES raised his suspicions because GARCIA-SOBERANES was on Interstate 70 (I-70) which is not a route that would allow him to travel to Youngstown (Ohio) from Los Angeles (CA). During the traffic stop, SGT Williamson had GARCIA-SOBERANES exit the vehicle and a probable cause search of the vehicle was conducted based on factors to include, the odor of marijuana as well as the debris of suspected marijuana observed by SGT Williamson.
3. Pursuant to a probable cause search of the 2014 Chevrolet Silverado, SGT Williamson subsequently discovered a total of 9 square packages inside the vehicle. Due to SGT Williamson's training and experience he believed these items were approximately 9 kilograms of an illicit controlled substance. Additionally, SGT Williamson located large bag of a green leafy substance of suspected to be marijuana within the vehicle.

4. Upon making this discovery, SGT Williamson provided GARCIA-SOBERANES his Miranda Rights in Spanish using a translation application. GARCIA-SOBERANES was also provided with a copy of a Constitutional Rights Wavier form in Spanish which GARCIA-SOBERANES signed acknowledging he understood his rights agreeing to speak with law enforcement. Later GARCIA-SOBERANES spoke with law enforcement and admitted the packages contained approximately one kilogram of fentanyl and the remaining packages were kilogram amounts of cocaine.

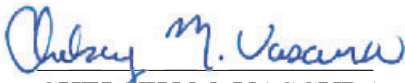
5. The suspected cocaine, fentanyl and marijuana were transported to the Ohio State Highway Patrol Crime Lab for chemical analysis. Due to the presence of suspected fentanyl and the dangers it possesses to law enforcement, no field test was conducted on the substances. GARCIA-SOBERANES was transported to the Franklin County Sheriff's Office Corrections Center located at 2460 Jackson Pike in Columbus, Ohio.

CONCLUSION

6. Based upon the information presented in this affidavit, there is probable cause to believe that beginning on or about September 14, 2022, in the Southern District of Ohio, Oscar Manuel GARCIA- SOBERANES, did knowingly and intentionally possess with the intent to distribute 5 kilograms or more of cocaine, a schedule II controlled substance, in violation of Title 21, U.S.C. § 841 (a)(1)(A)(ii)(II), and possession with the intent to distribute 400 grams or more of fentanyl, a schedule II controlled substance, in violation of Title 21, U.S.C. § 841 (a)(1)(A)(i).


Jeffery A. Kirschweg, Special Agent
Drug Enforcement Administration

SUBSCRIBED and SWORN to before me this 5th day of September, 2022.



CHELSEY M. VASCURA
UNITED STATES MAGISTRATE JUDGE